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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 69th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 12 March 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

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The meeting was called to order at 4.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)

Explanations of vote

1. Mr. WILLIS (Australia) said that his delegation had voted in favour of the draft resolution on the situation in East Timor, although it believed that adoption by consensus would have constituted a more adequate acknowledgement of certain positive steps taken by the Indonesian authorities during the past year and held out more promise for the furtherance of human rights in East Timor; it was regrettable that negotiations to that end had not succeeded.

2. Mr. Bong Joo MOON (Republic of Korea) said that his delegation's regret at the failure to reach a compromise on the resolution on the situation in East Timor stemmed essentially from its belief in the overriding merit of consensus procedure as a means of enhancing the efficacy of the Commission's decisions. Although it would have preferred not to be faced with such a choice, his delegation had first endorsed the motion that no action be taken, and then abstained in the vote on the draft resolution (E/CN.4/1993/L.81/Rev.1). In both actions, its foremost concern had been to facilitate the creation of an environment in which the forthcoming consultations between the parties involved, under the auspices of the Secretary-General, would yield results satisfactory to all.

3. Mr. MARUYAMA (Japan) said that, given the need to indicate the interest of the international community in the situation in East Timor and to encourage Indonesia further to improve the situation there, his delegation had been able to accept some of the ideas contained in the resolution thereon. It had, however, abstained during the vote because, inter alia, the resolution did not take proper account of the concerns of the Indonesian side or of the steps already taken by the Indonesian Government.

4. Mr. CHABÉN (Uruguay) said that, for unavoidable reasons, his delegation had been absent during the vote on the draft resolution, on the situation in East Timor, which it would have supported.

5. Mr. EL FAKIM SALEH (Libyan Arab Jamahiriya) said that, for unavoidable reasons, his delegation had been absent during the vote on the draft resolution on the situation in East Timor. It had had, however, clear instructions from its Government not to support the resolution, in the belief that it did not reflect what had been done to improve the situation in East Timor and would not contribute to further improvement there.

6. Mr. HITAM (Malaysia), in a general explanation of vote on resolutions and decisions adopted by the Commission during the session, said that his delegation believed that, with the end of the cold war and of East-West ideological rivalry, the time was ripe to approach the question of protecting

and promoting human rights in a constructive and cooperative spirit based on objectivity, non-selectivity and the non-politicization of issues. It also believed that the time had come for the Commission to take a more holistic approach to human rights and not to be too preoccupied with questions of individual rights and freedoms. Realization of the right to development would facilitate the fulfilment of the goals of both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Political and Civil Rights.

7. Bearing those considerations in mind, and being firmly committed to constructive dialogue and cooperation, his delegation had been a sponsor of more than a dozen resolutions and had supported all the consensus resolutions adopted during the session. It set particular store by the draft resolutions on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance; on the rape and abuse of women in the territory of the former Yugoslavia; on the right to development; on documentation and appointments; and on the effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and existing international standards.

8. His delegation had also strongly supported the initiative by the observer for Palestine that a special rapporteur be appointed to investigate human rights violations by Israeli authorities in the occupied Palestinian territories including Jerusalem.

9. That being said, he wished to voice his delegation's serious concern at the increasing tendency to politicize human rights issues in the Commission's work. More particularly, it took strong exception to approaches made by representatives of certain Western countries to its authorities in Kuala Lumpur regarding the votes on a number of the draft resolutions before the Commission.

10. A confrontational and adversarial approach, accompanied by various forms of pressure tactics, was not conducive to the protection and promotion of human rights; nor were politically motivated moves to bypass well-tested procedures within the Commission, such as the confidential procedure under Economic and Social Council resolution 1503 (XLVIII). Furthermore, the tendency to push through resolutions that might well go beyond the competence and mandate of the Commission, while also contravening the United Nations Charter, particularly Article 2, paragraph 7, on non-interference in the domestic affairs of sovereign States, could undermine the Commission's overall credibility.

11. In addition, his delegation also regretted that, in initiating a number of resolutions on country situations, the same groups of delegations had not seen fit to conduct serious and adequate consultations with representatives of the developing countries, regional groups and members of the Non-Aligned Movement. It was for all those reasons that his delegation had not supported the draft resolutions on a number of country situations. Its reasons for moving the motion of no action on East Timor and supporting the no action motion on China had already been explained.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

12. The CHAIRMAN read out the following text of a draft decision entitled "Organization of the work of the fiftieth session":

> "At its 69th meeting, on 12 March 1993, the Commission, taking into account its heavy schedule of work and that of its sessional working groups, as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years, the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to the forty-ninth sessions, decided, without a vote: (a) to recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 40 fully-serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council for the Commission's fiftieth session, and (b) to request the Chairman of the Commission at its fiftieth session to make every effort to organize the work of the session within the time normally allotted, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary".

13. The draft decision read out by the Chairman was adopted without a vote.

14. The CHAIRMAN said that, although the rationalization of the work of the Commission was a perennial and universally shared concern, the latest consultations had not produced any proposal to that end which could command a consensus. In order, therefore, to keep the question open, he suggested that the Commission adopt a draft resolution substantially identical to that adopted in 1992, namely:

"Rationalization of the work of the Commission

The Commission on Human Rights,

Recalling its resolution 1992/83 in which the Commission decided to discuss the question of restructuring its agenda,

Concerned about the considerable increase in the workload, including the growing number of resolutions adopted by the Commission over the years,

Conscious of the need to make economical use of the time and resources of the Commission,

Realizing that restructuring the agenda of the Commission would not be sufficient per se but should be paralleled with a rationalization of its work, as well as a reduction in the amount of documentation provided to it at each session,

1. Decides to consider the rationalization of its work at its fiftieth session;

2. Affirms that such a comprehensive process could only take place through consultations and on the basis of consensus in the Commission."

15. The draft resolution read out by the Chairman was adopted without a vote.

DRAFT PROVISIONAL AGENDA FOR THE FIFTIETH SESSION OF THE COMMISSION (agenda item 29) (E/CN.4/1993/L.1)

16. The CHAIRMAN, pointing out that the draft provisional agenda for the fiftieth session was before the Commission for information only, asked if there were any comments concerning it.

17. Mr. NICULESCU (Romania) said that, in accordance with a decision by the Commission at its current session, the case of Romania, mentioned in the draft provisional agenda for the fiftieth session under item 12 (b), would be taken up under item 19 (Advisory services in the field of human rights).

18. The CHAIRMAN, noting that the same was true of Albania, said that the necessary corrections would be made to the provisional agenda.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FORTY-NINTH SESSION OF THE COMMISSION (agenda item 30) (E/CN.4/1992/L.10 and Add.1-26, L.11 and Add.1-10)

19. The CHAIRMAN invited the Rapporteur to introduce the Commission's draft report, the various chapters of which would be considered as they became available.

20. Mr. KEDZIA (Poland), Rapporteur, drew attention to the essentially procedural nature of the report before the Commission. The contents of statements made in the course of the session were reflected in the summary records, which did not form part of the report.

21. The first part of the report, which related mainly to the agenda items, was contained in document E/CN.4/1993/L.10 and Add.1-26. The second part, containing the resolutions and decisions adopted by the Commission, including recommendations for action by the Economic and Social Council, would be found in document E/CN.4/1993/L.11 and Add.1-10.

22. The texts before the Commission were still being edited on the responsibility of the Rapporteur, and would be finalized after the session. He drew attention to the procedure for submitting corrections. The final report, together with its annexes, would be placed before the Economic and Social Council at its regular session in late June 1993.

23. He expressed his gratitude to the Secretariat for its efficient assistance in its execution of his task.

Adoption of the draft report

Chapters XXVII and XXVIII (E/CN.4/1993/L.10/Add.1 and 2)

24. Chapters XXVII and XXVIII were adopted.

Chapter IV (E/CN.4/1993/L.10/Add.4)

25. Chapter IV was adopted.

Chapters VI, VII, VIII and IX (E/CN.4/1993/L.10/Add.6, 7, 8 and 9)

26. Chapters VI, VII, VIII and IX were adopted.

Chapters XV, XVI, XVII and XVIII (E/CN.4/1993/L.10/Add.15, 16, 17 and 18)

27. Chapters XV, XVI, XVII and XVIII were adopted.

Chapters XXII and XXIII (E/CN.4/1993/L.10/Add.22 and 23)

28. Chapters XXII and XXIII were adopted.

Chapters XXV and XXVI (E/CN.4/1993/L.10/Add.25 and 26)

29. Chapters XXV and XXVI were adopted.

30. The CHAIRMAN said that the meeting would be suspended until the remaining parts of the report had been distributed in all languages.

The meeting was suspended at 4.45 p.m. and resumed at 6 p.m.

31. Mr. PETROVSKY (Director-General of the United Nations Office at Geneva) having paid tribute to the untiring efforts of the Commission on Human Rights to secure peace and improve human rights, said that the United Nations was facing totally unprecedented challenges, with a shift in focus after the end of the cold war from passively registering ideological differences to actively addressing the pressing issues that challenged all its Members throughout the world. The Organization's main tasks were no longer limited to preventive or peace-keeping measures, but included peace-building, which had led to a revitalization of the ideas contained in the Charter of the United Nations.

32. In order successfully to meet the new challenges facing the United Nations it was necessary to strengthen the ability of the United Nations family to work together under one roof, to develop a new global and regional partnership centred around issues and based on informal but effective mechanisms of consultation and dialogue.

33. Economic and social development was indivisible from peace-building and remained a priority of the Organization, together with the strengthening of democratic institutions which were the solid base upon which the whole fabric of a world of peace and justice within broader freedom was founded.

34. The importance of the Universal Declaration of Human Rights which, in his view, equalled that of the United Nations Charter meant that respect for the Charter internationally should be matched by respect for the Universal Declaration nationally. With the end of the cold war, whose major lesson had been that lack of respect for human rights and fundamental freedoms resulted in the demise of those Governments which consistently denied the inherent rights of individuals, the ideological differences of the past could no longer be used as a pretext to stop or delay the efforts of the international community for the widest possible realization of human rights standards. Democratization of the international process meant that, while no country should forcefully impose its will on another member of the international community, no country had a right to violate human rights with impunity.

35. In an international situation marked by cooperation rather than confrontation, there was an urgent need for the international community to go beyond mere condemnation of human rights violations and to assist countries by providing the technical know-how and the means to make human rights violations impossible. As in the field of international peace and security, preventive diplomacy had an increasingly important role to play in human rights through monitoring, technical cooperation and assistance. In that connection, he was pleased to note that the Commission had been able to increase the number and range of the tasks entrusted to special rapporteurs. The emphasis given to the role of human rights monitoring in problem areas or areas of conflict was particularly important, and he expressed the hope that even more attention would be given in the future to the development of new mechanisms of a preventive nature, including early warning.

36. The World Conference on Human Rights would provide the international community with an opportunity to deal at the highest level with the crucial questions facing the United Nations in connection with the promotion and protection of human rights, to take stock of the progress made and identify obstacles to further progress and means of overcoming them. He hoped that the international community would seize the opportunity to bridge the gap between lofty universal principles and the real individuals and groups through whom human rights became a reality.

37. Human rights was a top priority for the international community and, as Director-General of the United Nations Office at Geneva, he would continue to stress the importance of human rights in his diplomatic activities and to pay special attention to the growing needs and complexity of the tasks of the Centre for Human Rights. In order to overcome the disparity between the tasks entrusted to the Centre and the resources available to it, he would give instructions for a review of the administrative and financial support provided to the Centre with a view to increasing it in line with the recommendations of the Management Advisory Service Report and would establish a task force to review the level of support required by the Centre from Conference Services. He would also review the level of support that the Centre received from the information and non-governmental organization services available at the Office so as to maximize existing resources and enhance their effectiveness for the benefit of Governments, NGOs, the media and the wider human rights community.

38. He commended the results the Commission had been able to achieve, often by consensus, on a wide range of issues and said that it was heartening that

it had been able to reach new ground in a number of cases and had stressed the importance of cooperation with regional mechanisms. In order to enhance its effectiveness further, the Commission might wish to give even more attention in the future to early warning and preventive action and consider the apparent contradiction between the number of requests for assistance by Governments to develop democratic institutions and the lack of the required funds. It might also endeavour to develop new forms of cooperation, not only with international, but also with national NGOs. He noted that there were still countries where people had never heard of the Commission and the various control mechanisms.

39. Lastly, he gave an assurance that he would maintain the focus of his attention on human rights matters and on the political implications of human rights. He would hold regular meetings with the heads of UNHCR, the Centre for Human Rights and the Geneva Office of the Department of Humanitarian Affairs in order to review political and substantive questions of relevance to the humanitarian role of the action of the United Nations Office at Geneva in order to reinforce one of the most vital aspects of the Office's work: the fundamental rights and freedoms of every single child, woman and man on earth.

40. The CHAIRMAN said that, as the remaining chapters of the report were still not available in all languages, they would be considered at the next meeting.

The meeting rose at 6.15 p.m.